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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,251	04/18/2001	Cheryl Hite	20191-703	1377
30554	7590	11/24/2004	EXAMINER	
SHEMWELL GREGORY & COURTNEY LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129			MCCARTHY, CHRISTOPHER S	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/837,251	HITE ET AL.	
	Examiner Christopher S. McCarthy	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2004.
- 2a) This action is FINAL.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: response to arguments.

### **DETAILED ACTION**

1. Claims 1-6, 8-15, 17-20, 22-27, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al U.S. Patent 6,049,776, as cited in prior office action, which was mailed on 7/19/2004.
2. Claims 7, 11, 16, 21, 22, 28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. U.S. Patent 6,049,776 in view of Rassman U.S. Patent 4,937,743, as cited in prior office action, which was mailed on 7/19/2004.
3. Claims 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al U.S. Patent 6,049,776.
4. Claims 8, 12, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8, 12, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant has amended these claims with the limitation of the completion of the scheduling process without the resolution of any resource conflicts. Upon reading the specification, the examiner can only find wherein the resource scheduling can continue without resolving conflicts, but not to the point of completion. The examiner requests that the applicant direct the examiner to any passage in the specification that clearly teaches the completion of the scheduling without the resolution of any conflicts.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-15, 17-20, 22-27, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al U.S. Patent 6,049,776.

As per claim 1, Donnelly teaches a method for providing real-time indications of resource scheduling conflicts in a resource scheduling process comprising: analyzing resource scheduling data including real-time detection of resource conflicts, wherein resource conflicts include rule based conflicts and calendar based conflicts; conveying unobtrusively to a user an indication that

a resource conflict exists, wherein conveying the indication of a resource conflict occurs concurrently with the resource scheduling process; and providing the user an option to allow the scheduling process to continue without resolving the conflict (column 18, lines 6-52).

As per claim 2, Donnelly teaches the method of claim 1, further comprising presenting to the user, upon selection, a description of the resource conflict (column 18, lines 30-52; column 21, line 53 – column 22, line 17).

As per claim 3, Donnelly teaches the method of claim 1, wherein presenting includes providing the user the choice to suppress the resource conflict (column 18, lines 39-46).

As per claim 4, Donnelly teaches the method of claim 1, wherein presenting includes providing the user a potential resolution of the resource conflict (column 18, lines 39-46).

As per claim 5, Donnelly teaches the method of claim 1, wherein the potential resolution further comprises a hyperlink to a relevant portion of the resource scheduling process allowing the resource conflict to be resolved (column 18, lines 39-46; figure 28) wherein, it is inherent that the override button pressed by the user client triggers a hyperlink to the server to remedy the conflict.

As per claim 6, Donnelly teaches the method of claim 1, wherein the indication includes a visual representation (column 21, line 53 – column 22, line 17).

As per claim 8, Donnelly teaches a system for providing real-time indication of resource scheduling conflicts in a resource scheduling process, the system comprising: a user interface receiving data from a user; a processor coupled to the user interface, wherein the processor is capable of executing instructions; a display device coupled to the processor; and a memory device coupled to the processor, the memory device storing the instructions comprising, a

resource scheduling process, wherein the resource scheduling process includes, analyzing agent data, analyzing scheduling criteria, and detecting resource conflicts; and an error identification process, wherein error identification process is concurrent with the resource scheduling process, and wherein descriptions of the identified resource conflicts are conveyed to the user concurrent with the resource scheduling process, and wherein the resource scheduling process is configured such that completion of the scheduling process is independent of resolution of any conflicts (column 18, lines 30-52; column 8, lines 3-46).

As per claim 9, Donnelly teaches the system of claim 8, wherein the potential resolutions of the identified resource conflicts include hyperlinks to relevant portions of the resource scheduling process allowing the resource conflict to be resolved (column 18, lines 39-46; figure 28) wherein, it is inherent that the override button or the exit button pressed by the user client triggers a hyperlink to remedy the conflict.

As per claim 10, Donnelly teaches the system of claim 8, wherein the indication includes a visual representation (column 21, lines 53 – column 22, line 17).

As per claim 12, Donnelly teaches computer-readable medium containing executable instructions which, when executed in a processing system (column 8, lines 4-36), cause the system to: analyze resource scheduling data via a resource scheduling process and detect a resource conflict; convey unobtrusively to a user an indication that the resource conflict exists concurrently with the resource scheduling process; and present to the user, upon selecting the indication, a description of the resource conflict and a potential solution to resolve the resource conflict, wherein the user may elect to complete the resource scheduling process without resolving any conflicts (column 18, lines 30-52).

As per claim 13, Donnelly teaches the computer-readable medium of claim 12, wherein the executable instructions, when executed, further allow the user to suppress the resource conflict wherein suppressing comprises allowing the resource scheduling process to continue while the resource conflict persists (column 18, lines 30-52).

As per claim 14, Donnelly teaches the computer-readable medium of claim 12, wherein the executable instructions, when executed, present a hyperlink to a relevant portion of the resource scheduling process where the resource conflict is resolved (column 18, lines 39-46; figure 28) wherein, it is inherent that the override button pressed by the user client triggers a hyperlink to the server to remedy the conflict.

As per claim 15, Donnelly teaches the computer-readable medium of claim 12, wherein the indication includes a visual representation (column 21, line 53 – column 22, line 17).

As per claim 17, Donnelly teaches a system for providing real-time identification of resource scheduling conflicts, the system comprising: at least one server comprising at least one storage device storing executable instructions (column 8, lines 3-46); at least one client processor coupled to the server through a network, wherein the instruction, when executed, cause the at least one client processor to, analyze agent data and scheduling criteria to detect a resource conflict; concurrently convey an identification of the resource conflict; present, upon selection, a description of the resource conflict; and present a potential solution to resolve the resource conflict; generate a resource schedule in the presence of unresolved conflicts (column 18, lines 30-52).

As per claim 18, Donnelly teaches the system of claim 17, wherein the instructions include providing the user the choice to suppress the resource conflict (column 18, lines 39-46).

As per claim 19, Donnelly teaches the system of claim 17, wherein the potential solution comprises a hyperlink to a relevant portion of the resource scheduling process allowing the resource conflict to be resolved (column 18, lines 39-46; figure 28) wherein, it is inherent that the override button pressed by the user client triggers a hyperlink to the server to remedy the conflict.

As per claim 20, Donnelly teaches the system of claim 17, wherein the indication includes a visual representation (column 21, line 53 – column 22, line 17).

As per claim 23, Donnelly teaches a method for providing real-time indications of resource scheduling conflicts comprising: analyzing resource scheduling data including real-time detection of resource conflicts; conveying unobtrusively to a user an indication that a resource conflict exists, wherein the conveying of the indication of the resource conflict occurs concurrently with the resource scheduling process and wherein the indication of a resource conflict includes identifying at least one resource associated with the resource conflict; and presenting to the user a description of the resource conflict and a potential resolution of the resource conflict, wherein the potential solution includes a hyperlink to a relevant portion of the resource scheduling process allowing the resource scheduling conflict to be resolved (column 18, lines 30-52; figure 28).

As per claim 24, Donnelly teaches the method of claim 23, wherein presenting includes providing the user a choice to suppress the resource conflict (column 18, lines 39-46).

As per claim 25, Donnelly teaches the method of claim 23, wherein presenting includes providing the user a choice of viewing the description of resource conflict (column 18, lines 30-52).

As per claim 26, Donnelly teaches the method of claim 23, wherein the potential solution further comprises a hyperlink to a relevant portion of the resource scheduling process allowing the resource conflict to be resolved (column 18, lines 39-46; figure 28) wherein, it is inherent that the override button pressed by the user client triggers a hyperlink to the server to remedy the conflict.

As per claim 27, Donnelly teaches the method of claim 23, wherein conveying an indication includes a visual representation (column 21, line 53 – column 22, line 17).

As per claim 29, Donnelly teaches the method of claim 23, wherein the resource conflicts include conflict of multiple different types, and wherein identifying includes indicating a type of a resource conflict (column 18, lines 30-52; column 21, line 53 – column 22, line 17).

As per claim 30, Donnelly teaches the method of claim 29, wherein the multiple different types include a rule-based conflict and a calendar based conflict (column 22, lines 3-7).

As per claim 32, Donnelly teaches a method for generating a resource schedule including concurrent error identification, the method comprising: receiving scheduling data in a resource scheduling process, including receiving data input by a user (column 18, lines 30-52; column 8, lines 3-46); determining whether a conflict exists on the basis of the received data, including determining whether a conflict is a resource specific conflict; determining whether a resource specific conflict is rule based or calendar based; presenting the user with the option to view additional information about a conflict; and presenting the user with the option to suppress a conflict, wherein suppressing a conflict comprises saving information related to the conflict and generating the resource schedule with the conflict unresolved (column 18, lines 6-52).

As per claim 32, Donnelly teaches the method of claim 32, further comprising presenting the user with a hyperlink to a location in a resource scheduling process at which a determined conflict may be resolved by the user (column 18, lines 39-46; figure 28).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 11, 16, 21, 22, 28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. U.S. Patent 6,049,776 in view of Rassman U.S. Patent 4,937,743.

As per claims 7, 11, 16, 21, and 28, Donnelly teaches the visual representation of a suppressed or unsuppressed resource conflict (column 21, line 53 – column 22, line 21). However, Donnelly does not explicitly teach wherein the using colors to represent resource conflicts, including red to represent unsuppressed resource conflicts and yellow to represent suppressed resource conflicts. Rassman does teach using colors as an indication of a resource conflict (column 6, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the “conflict indicia” of Rassman to the visual representation of Donnelly. One of ordinary skill in the art would have been motivated to use the “conflict indicia” of Rassman to the visual representation of Donnelly because Rassman teaches the importance of visually indicating to the user of any incompatible scheduling of resources; a need explicitly desired by Donnelly (column 21, line 53 – column 22, line 21).

As per claim 22, Donnelly teaches a method for providing real-time identification of resource scheduling conflicts in a resource scheduling process comprising: analyzing resource scheduling data via a resource scheduling process including real-time detection of resource conflicts; conveying unobtrusively to a user a visual indication that the resource conflict exists, wherein conveying the indication occurs concurrently with the resource scheduling process; allowing the user to suppress the resource conflict, and wherein suppression of the resource conflict allows the resource scheduling process to complete with an unresolved conflict, presenting to the user a description of the resource conflict and a potential solution to resolve the resource conflict, wherein the potential solution includes a hyperlink to a relevant portion of the resource scheduling process allowing the resource conflict to be resolved (column 18, lines 30-52; column 21, line 50 – column 22, line 17). Donnelly does not explicitly teach wherein the visual indication of the resource conflict uses a first color for unsuppressed resource conflicts and a second color for suppressed resource conflicts. Rassman does teach using colors as an indication of a resource conflict (column 6, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the “conflict indicia” of Rassman to the visual representation of Donnelly. One of ordinary skill in the art would have been motivated to use the “conflict indicia” of Rassman to the visual representation of Donnelly because Rassman teaches the importance of visually indicating to the user of any incompatible scheduling of resources; a need explicitly desired by Donnelly (column 21, line 53 – column 22, line 21).

As per claim 31, Donnelly teaches the method of claim 30, wherein the multiple different types of conflicts, rule-based and calendar-based, are visually represented (column 22, lines 1-

10). Donnelly does not explicitly teach wherein the visually represented include using a third color for a rule-based conflict and a fourth color for a calendar-based conflict. Rassman does teach using colors as an indication of types of resource conflicts (column 6, lines 9-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the “conflict indicia” of Rassman to the visual representation of Donnelly. One of ordinary skill in the art would have been motivated to use the “conflict indicia” of Rassman to the visual representation of Donnelly because Rassman teaches the importance of visually indicating to the user of any incompatible scheduling of resources; a need explicitly desired by Donnelly (column 21, line 53 – column 22, line 21).

#### ***Response to Arguments***

8. Applicant's arguments filed 10/26/2004 have been fully considered but they are not persuasive.

Applicants have argued that Donnelly does not teach wherein a conflict may remain unresolved. The examiner respectfully disagrees. As cited in the remarks of the applicant, Donnelly teaches wherein the original calendar can remain intact in spite of a conflict when the user selects this option. The examiner contends that by taking no action to correct this conflict is essentially leaving it unresolved. For instance, if a user embarks upon a schedule and finds that a conflict arises and selects to ignore the conflict by not entering the conflict, does not mean the conflict is therefore resolved. On the contrary, if a conflict is selected to be ignored, the conflict

remains, just not handled at that time. Therefore, the limitation of continuing operation with unresolved conflicts is met.

Applicants have also argued that Donnelly does not teach wherein the resource conflicts are rule-based. The examiner respectfully disagrees. The applicant has offered a definition of rule-based as being giving an employee an invalid start time, etc. Donnelly teaches in column 18, lines 6-12, the employee begin and end times. These times are again taught in line 36 as a type of schedule conflict. Therefore, the definition of a rule-based conflict is met.

Furthermore, the applicant has amended certain claims to state wherein the scheduling process is completed with existing unresolved conflicts. The amendment is argued above in the 112 rejection section.

The applicant has argued that Donnelly does not teach a hyperlink in his scheduling process. The examiner respectfully disagrees. The applicant has supplied a definition of a hyperlink to the examiner. In part, this definition reads “A connection between an element in a hypertext document, such as word, phrase, symbol or image, and a different element in the document...” The examiner contends that the buttons used in figure 28 of Donnelly and taught in part in column 18, meet the aforementioned definition. By “pressing” the buttons at the bottom of the screen, e.g. the override button, the application is connecting with another section of the application to perform the necessary action. In other words, one element of the application, or document, is in connection with another element of the application. Furthermore, Donnelly teaches wherein if the user making the changes is not the approved user, then another screen pops up, the “Notification of Schedule Change Screen.” Therefore, by “pressing” the button, the document has hyperlinked to another document in the application.

In light of the above arguments, all applicable rejected claims stand.

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm  
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*Robert W. Beausoliel*  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100